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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re)	Case No. 08-35653-KRH
)	
Circuit City Stores, Inc.,)	Chapter 11
)	
Debtor-in-Possession.)	Jointly Administered
)	

**RESPONSE OF THE LANDING AT ARBOR PLACE II, LLC TO DEBTORS'
NINETEENTH OMNIBUS OBJECTION TO CLAIMS (RECLASSIFICATION OF
CERTAIN MISCLASSIFIED CLAIMS TO GENERAL UNSECURED, NON-PRIORITY
CLAIMS)**

The Landing at Arbor Place II, LLC ("Arbor Place"), hereby files this Response to Debtors' Nineteenth Omnibus Objection to Claims (Reclassification of Certain Misclassified Claims to General Unsecured, Non-Priority Claims) (the "Objection") as it relates to claim numbered 11814 (hereinafter the "Claim"), and in support thereof would show as follows:

1. This is a contested matter pursuant to Bankruptcy Rules 6006(b) and 9014.
2. Jurisdiction is based upon 28 U.S.C. §1334.
3. This is a core proceeding within the meaning of 28 U.S.C. §157(b).

4. On November 10, 2008 (the “Petition Date”) the Debtors filed their Petition for relief under Chapter 11 of the United States Bankruptcy Code (the “Bankruptcy Code”).

5. Thereafter Arbor Place timely filed a Proof of Claim (The “Claim”), asserting a claim entitled to treatment as an administrative priority.

6. By way of Debtors’ Objection, they assert that the Claim is misclassified, and seek to reclassify the Claim as a general unsecured, non-priority claim.

7. Under 11 U.S.C. § 501(a) timely filed Proofs of Claim are deemed allowed, and pursuant to Rule 3001(f) of the Federal Rules of Bankruptcy Procedure, a Prof of Claim so filed is *prima facie* evidence of the validity and amount of the claim.

8. In the face of such facial validity, the Debtors are tasked with the burden of introducing evidence to rebut the Claims. *In re: Bush*, 231 B.R. 390 (Bankr. M.D. Fla., 1997).

9. While the Claims are adequately supported, Debtors’ Objection provides little insight into the rationale for the objection, nor does it provide any evidence supporting the same, other than a conclusory statement that the Claims should be reclassified.

10. Under the terms of the Reciprocal Easement and Operating Agreement governing Debtor’s presence at The Landing at Arbor Place in Douglasville, Georgia, Debtors were required to pay Common Area Reimbursement on a monthly basis. For the post-petition month of December, 2008, this amount was \$1,815.46. This amount was not paid, and remains unpaid to date. As set forth in the Claim, this amount is entitled to priority treatment and/or treatment as an administrative expense pursuant to 11 U.S.C.A. §365(d)(3) or §503(b).

11. Accordingly, Arbor Place has properly characterized its claim. The Debtors have failed to meet their burden, and have failed to overcome the facial validity of the Claims. Thus

the Claims should be allowed in the amount and as classified in the Claims and the Debtors' Objection should be overruled.

WHEREFORE, Arbor Place prays that this Court (ii) overrule the Debtors' Objection, deny the relief requested, and allow the Claim as stated, and (ii) grant such other and further relief as may be just under the circumstances.

Dated: Richmond, Virginia
July 9, 2009

Respectfully submitted,

By: /s/ Kimberly A. Pierro
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on July 9, 2009, a true and exact copy of the foregoing Response to the Debtors' Nineteenth Omnibus Objection to Claims was forwarded via ECF notification to the following necessary parties: (i) the Office of the United States Trustee for the Eastern District of Virginia, (ii) counsel for the Debtors, and (iii) counsel to the Official Committee of Unsecured Creditors.

/s/ Kimberly A. Pierro

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